



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: John P. CARULLI et al.)

Confirmation No.: 5366

Application No.: 10/731,739)

Group Art Unit: 1636

Filed: December 10, 2003)

Examiner: Celine X. Qian, Ph.D.

For: THE HIGH BONE MASS GENE OF 11Q13.3)

Commissioner for Patents
U.S. Patent and Trademark Office

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Customer Window Mail Stop: ☐ New Application ☒ Amendment ☐ AF ☐ Issue

Fee

Alexandria, VA 22314

Sir:

INFORMATION DISCLOSURE STATEMENT (IDS)

☐ **Under 37 C.F.R. § 1.97(b):** Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicant brings to the attention of the Examiner the documents listed on the attached PTO Form 1449. To the undersigned's knowledge, this IDS is being filed before the mailing date of a first Office Action on the merits, before the mailing date of a first Office Action on the merits after filing an RCE under § 1.114, or within three months of the application filing date.

☐ **Under 37 C.F.R. § 1.97(c):** Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicant brings to the attention of the Examiner the documents listed on the attached PTO Form 1449. This IDS is being filed after the events recited in § 1.97(b) but, to the undersigned's knowledge, before the mailing date of a Final Office Action, a Notice of Allowance, or another action that closes prosecution in the application.

☐ The fee of \$180.00 set forth in § 1.17(p) is included herein; or

☐ Applicant submits that each item of information contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

☒ **Under 37 C.F.R. § 1.97(d):** Pursuant to 37 C.F.R. §§ 1.56 and 1.97(d), Applicant brings to the attention of the Examiner the documents listed on the attached PTO Form 1449. This IDS is being filed after the events recited in § 1.97(c) but before payment of the issue fee.

☒ The fee of \$180.00 set forth in § 1.17(p) is included herein; and

☒ Applicant submits that each item of information contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

☒ A PTO-892 form from related U.S. application serial No. 10/240,851 dated January 4, 2007, and having documents cited thereon is attached for the Examiner's consideration. Any of these documents not previously cited, and any additional documents are listed on the PTO Form 1449.

☒ Applicant respectfully requests that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form. As for any document listed on the accompanying PTO-1449 that is in a language other than English, relevance can be understood from an enclosed English abstract or at least partial translation or from mention in the specification or in a search report for a corresponding application.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that any of the listed documents are material or constitute "prior art." If it should be determined that any of the listed documents do not constitute "prior art" under United States law, Applicant reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

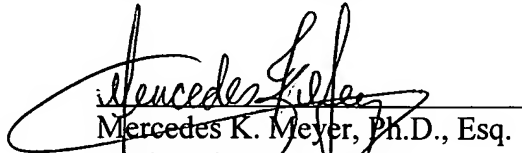
Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should any of the documents be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this Application, including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required and including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

DRINKER, BIDDLE & REATH LLP

Dated: April 3, 2007


Mercedes K. Meyer, Ph.D., Esq.
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CUSTOMER NO. 055694

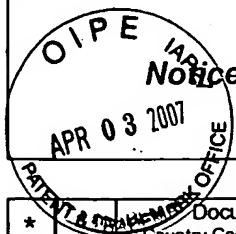
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Notice of References Cited

Application/Control No. 10/240,851		Applicant(s)/Patent Under Reexamination CARULLI ET AL.	
Examiner Celine X. Qian Ph.D.		Art Unit 1636	Page 1 of 1

U.S. PATENT DOCUMENTS

*	Document Number		Date	Name	Classification
	Country	Code-Number-Kind Code	MM-YYYY		
	A	US-			
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*	Document Number		Date	Country	Name	Classification
	Country	Code-Number-Kind Code	MM-YYYY			
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*	Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)	
U	Lavasseur et al Joint Bone Spine 72:207-214, 2005, see page 209-211	
V	Zhang et al Mol Cell Biol. 24(11):4677-84, 2004.	
W	Holmen et al Mol Cell Biol. 25(12):4946-55, 2005.	
X		

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.